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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,346	12/19/2001	Nobuki Hashiguchi	IS-US000173	1807

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EXAMINER

KIM, PAUL L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,346

Applicant(s)

HASHIGUCHI ET AL.

Examiner

Paul L Kim

Art Unit

2857

-- Th MAILING DATE of this communication appears on th cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al.

With regard to claims 6-8, Turner et al. teaches a system for checking operating conditions of a product processing apparatus comprising: image taking means for producing image information by taking images from a plurality of locations of operating conditions of the product processing apparatus (fig. 3, parts 18 & 20), taken at different times (col. 7, lines 15-18), and storage means for storing image information obtained by the image-taking means (fig. 1, part 24).

With regard to claim 9, Turner et al. teaches an abnormality detection means (fig. 1, part 22).

3. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rudt et al.

With regard to claim 11, Rudt et al. teaches a system for checking operating conditions of a product processing apparatus comprising: image taking means for taking images, from a plurality of locations, of a product processing apparatus (abstract and col. 4, lines 32-36), first storage means for storing image information obtained by the image-taking means (col. 5, lines 55-58), and an image distribution device distributing image information stored by the storage means (col. 6, lines 61-64).

With regard to claims 12 and 13, Rudt et al. teaches a second storage means for storing information from a plurality of locations taken at different times (col. 8, lines 49-62).

With regard to claim 14, Rudt et al. teaches an abnormality detection means (col. 8, lines 30-43).

With regard to claim 15, Rudt et al. teaches a display means for displaying image information (col. 6, lines 61-64) and displaying image information from the manufacturing operations in which images are taken before and until after a machine abnormality has occurred (col. 8, lines 4-10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudt et al. in view of Mueller.

With regard to claims 1 and 2, Rudt et al. teaches a production management system comprising: a production line including a plurality of product processing apparatus (col. 4, lines 32-36), a network that connects the apparatuses (fig. 1), a plurality of image taking means for producing image information by taking images of operating conditions of the processing apparatuses (abstract and col. 4, lines 61+), and a network distributing image information stored by the storage means (col. 6, lines 61-64).

Rudt et al. teaches a paper processing apparatus being monitored, but does not teach an apparatus consisting of a weigher or bagger. Mueller teaches a manufacturing equipment for bagging and weighing foodstuff which contains a photo detector (abstract). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987). Since both Mueller and Rudt et al. are within the art of manufacturing products, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Rudt et al., so that the manufacturing apparatus consist of a weigher or bagger instead of paper producing apparatuses, as taught by Mueller, in order to cut costs by using the monitoring equipment for a wide variety of uses.

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With regard to claim 3, Rudt et al. teaches a control means for controlling the apparatuses based on image information (col. 8, lines 44-49).

With regard to claim 4, Rudt et al. teaches a warning means for issuing a warning based on comparison means between the image information and a reference (col. 7, line 12-19).

With regard to claim 5, Rudt et al. teaches a storage means for storing image information (col. 5, lines 55-58).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. in view of Rudt et al.

With regard to claim 10, Turner et al. teaches a display for displaying image information (fig. 1, part 26 & 28), but does not clearly teach the image information being taken from before and until after an abnormality. Rudt et al. teaches an apparatus that monitors manufacturing operations in which images are taken before and until after a machine abnormality has occurred (col. 8, lines 4-10). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Turner et al., so that images can be taken before and until after an abnormality, as taught by Rudt et al., in order to alert an operator, while operating the machine in real-time, of a defect that is occurring.

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Note: It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Conclusion

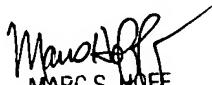
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ungpiyakul et al teaches an apparatus for monitoring a manufacturing apparatus using image evaluation.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-305-1710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
July 27, 2003


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800